IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1363 of 2007
Date of Decision: 20.3.2007

Guru ...Petitioner

Versus

Smt. Maya Devi and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Sunil Chaudhary, Advocate, for the petitioner.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order of ejectment passed by the Courts below, whereby the petitioner has been ordered to be evicted on the ground that the premises are required for bona-fide use and occupation of the landlord.

The landlord sought the ejectment of the tenant, inter-alia, on the ground of non-payment of arrears of rent; on the ground that the value and utility of the rented premises has been materially impaired by the tenant and that the premises are required for landlord's own use and occupation. It was the stand of the petitioner-tenant that there does not exist any relationship of landlord and tenant between the parties and in fact the petitioner is the owner of the premises in dispute.

The learned Rent Controller dismissed the petition, but the learned first Appellate Authority reversed the finding recorded by the learned Rent Controller and returned a finding that the respondent-landlord is the owner of the premises and the petitioner herein is a tenant

therein. The Appellate Authority also found that the premises are required for bona-fide use and occupation and consequently passed an order of ejectment.

Learned counsel for the petitioner has vehemently argued that vide sale deed dated 12.9.1996 Exhibit RW1/A one Shyam Lal son of the present petitioner has purchased the property in dispute from one Devinder Singh son of Gopal Singh and therefore, there does not exist any relationship of landlord and tenant between the parties.

It has been found by the learned Appellate Authority that there is nothing in the sale deed which can co-relate the same with respect to the subject matter of the present petition. As per the petitioner, he is residing in the room since 1992. In fact, in the sale deed, there is no mention of the same. On the other hand from the documents Exhibits P.6 to P.19, the house tax receipts, it was found that Tek Chand, father of the landlord is reflected as the owner of the premises in dispute.

In view of the said facts, the finding that the petitioner is not able to prove that the sale deed dated 12.9.1996 relates to the property in dispute, cannot be said to be suffering from any patent illegality or irregularity, which may warrant interference by this Court in the present revision petition.

Hence, the present revision petition is dismissed.

20-03-2007 (HEMANT GUPTA)
ds JUDGE